

Message Text

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SUBJECT: SLANDER CHARGES AGAINST TWO US CORRESPONDENTS

REFS: (A) MOSCOW 15440, (B) MOSCOW 15297

1. PIPER AND WHITNEY AGAIN APPEARED IN MOSCOW CITY COURT AT NOON JULY 3. THEY WERE ACCOMPANIED BY CONSOFF CARTER AND NEW YORK TIMES LAWYER LEON LIPSON.
2. THE TWO CORRESPONDENTS PRESENTED TO JUDGE ALMAZOV SIMILAR STATEMENTS (IN BOTH RUSSIAN AND ENGLISH) CATEGORICALLY DENYING GOSTELERADIO'S ACCUSATIONS OF SLANDER AND REQUESTING THAT CHARGES BE DROPPED. STATEMENTS ALSO INFORMED COURT THAT PIPER AND WHITNEY DO NOT INTEND TO PARTICIPATE PERSONALLY IN ANY FURTHER STAGES OF PROCEEDINGS AGAINST THEM.
3. JUDGE ALMAZOV THEN ANNOUNCED A POSTPONEMENT OF THE TRIAL UNTIL 11:00 A.M. ON JULY 18 REPEAT 18

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TO ALLOW COURT TIME TO CONFIRM THE ACCURACY OF RUSSIAN TRANSLATION OF CORRESPONDENTS' STATEMENTS, INFORM GOSTELERADIO OF CONTENTS OF STATEMENTS AND AFFORD PIPER AND WHITNEY TIME TO REFLECT ON THEIR DECISIONS NOT TO PRESENT EVIDENCE, AND CALL WITNESSES OR EVEN TAKE PART IN HEARING OF CASE. ALMAZOV OPINED THAT HE WAS CERTAIN THAT GIVEN

EXTRA TIME FOR REFLECTION, NEWSMEN WOULD CHANGE THEIR ATTITUDE TOWARD FURTHER PARTICIPATION IN HEARINGS.

4. IN REPLY TO CLAIM IN JOURNALISTS' STATEMENTS THAT NEITHER BALTIMORE SUN NOR NEW YORK TIMES IS DISTRIBUTED IN U.S.S.R., JUDGE SAID THAT WHAT MATTERS IS THAT BOTH PAPERS ARE READ IN SOVIET UNION (BY WHOM HE DID NOT STATE). ALMAZOV REMINDED DEFENDENTS THAT ONUS IS ON THEM TO PROVE ACCURACY OF STATEMENTS WHICH PLAINTIFF ALLEGES TO BE SLANDEROUS. HE ALSO ALLUDED TO A SUPPOSED RECENT CASE IN WHICH, HE CLAIMED, AN UNNAMED FOREIGN JOURNALIST PRINTED A RETRACTION IN A SOVIET SPORTS PUBLICATION FOR A SLANDEROUS ARTICLE WHICH HE HAD AUTHORIZED ABROAD.

5. INTERESTINGLY, DURING COURT SESSION ALMAZOV MENTIONED THREE CONDITIONS UNDER WHICH CASE AGAINST PIPER AND WHITNEY COULD BE DISMISSED: (1) CORRESPONDENTS' OWN STATEMENTS MAY BE CONSIDERED BASIS FOR DISMISSAL BY LEGAL COMMITTEE WHICH WILL REVIEW THEM; (2) PLAINTIFF MAY NOW EXPRESS A DESIRE NOT TO PROCEED WITH SUIT; AND (3) SUIT MAY BE DROPPED IF PLAINTIFF DOES NOT APPEAR ON JULY 18 FOR TRIAL. ALMAZOV AGAIN STRESSED THAT LIMITED OFFICIAL USE

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NEITHER PIPER NOR WHITNEY IS REQUIRED TO APPEAR PERSONALLY AT TRIAL FOR IT TO BE HELD.

6. COURT SESSION ENDED WITH ALMAZOV MILDLY ADMONISHING BOTH NEWSMEN TO SHOW MORE RESPECT FOR THE COURT. HE COMPLAINED OF THEIR "DELAYING TACTICS" AND RELUCTANCE TO SIGN COPIES OF DOCUMENTS NOTIFYING THEM OF NEXT SESSION.

7. COMMENT: PIPER AND WHITNEY APPEAR FIRM IN THEIR DECISION TO STAND BY THE STATEMENTS THEY PRESENTED TODAY AND NOT TO CALL WITNESSES OR SUBMIT ANY FURTHER DOCUMENTATION. WHITNEY SEEMS STRONGER THAN PIPER IN HIS INSISTANCE THAT HE WILL NOT APPEAR AT JULY 18 TRIAL. HE HAD DEFERRED FAMILY'S VACATION PLANS TO BE PRESENT IN MOSCOW FOR TODAY'S SESSION AND FOR PLANNED JULY 7 TRIAL, BUT WITH POSTPONEMENT UNTIL 18TH, HE NOW TELLS US HE IS DEFINITELY PLANNING TO DEPART MOSCOW JULY 4 FOR R&R IN MASSACHUSETTS. OUTSIDE COURTROOM, BOTH CORRESPONDENTS TOLD OTHER WAITING REPORTERS THAT IF THEY ARE IN MOSCOW ON 18TH THEY MAY CONSIDER

ATTENDING, BUT AT LEAST IN WHITNEY'S CASE THIS
APPEARS TO BE A MOOT POINT. PIPER HAS TICKETS
FOR JULY 12 DEPARTURE ON VACATION, BUT NDW IS
UNDECIDED AS TO WHAT TO DO. HE FEELS HIS EDITORS
WILL WANT HIM TO STAY IN MOSCOW TO AVOID IMPRESSION
THAT HE IS "RUNNING OUT" BUT HE TELLS US HE WILL
TRY TO CONVINCE THEM THAT IT MIGHT BE WORTHWHILE
TO BE UNAVAILABLE ON JULY 18 TO SEE IF SUITIS
DISMISSED. TOON

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